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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,837	11/03/2003	Elliot Yasnovsky	23867-08200	5781

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EXAMINER	
BOVEJA, NAMRATA	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,837	YASNOVSKY ET AL.	
	Examiner	Art Unit	
	Namrata Boveja	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *49-94* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *49-94* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 November 2003 and 02 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 07/06/2006.

2. Claims 49-94 are presented for examination.

3. Amendments to claims 49, 51-53, 55, 57, 58, 60, 65-67, 84, 90, and 92 have been entered and considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 49, 67, and 92 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The newly added claim limitation of "the advertisement campaign including a plurality of advertisements" leads to a lack of support in the specification for the prior claim limitation of "when the advertisement is deemed not approved, the advertisement campaign is rejected," since this previous limitation depends on the newly added limitation. There is no support whatsoever in the specification regarding the rejection of the advertisement campaign even if just one of the advertisements in the campaign is rejected. Furthermore, the Applicant has failed to identify support for this in the specification in the submitted amendment. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

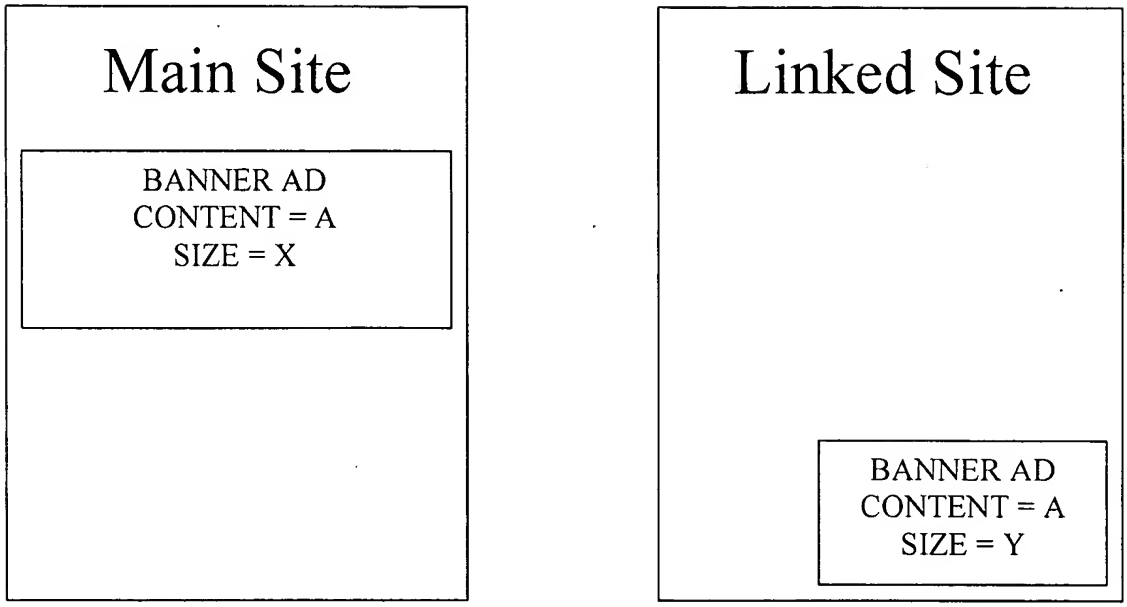
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 49-50, 54-59, 61, 64, 66-72, 77-83, 85, 88, and 90-93, are rejected under 103(a) as being anticipated Mason et al. (Patent Number 6,401,075 hereinafter Mason).

In reference to claims 49, 67, and 92, Mason teaches a method, computer, and a computer program for establishing an advertisement campaign comprising: (A) receiving over a computer network a request to initiate an advertisement campaign, the request comprising: a maximum amount to spend on the advertisement campaign (i.e. user can be billed for a number of click-throughs from other sites, length of time the advertisement is displayed, or the number of hits received by the advertisement) (col. 5 lines 4-32 and col. 6 lines 7-16), *the advertisement campaign including a plurality of advertisements (col. 3 lines 24-40 and col. 4 lines 54-57)*, a designation of an advertisement *from the plurality of advertisements* to be used in the advertisement campaign (i.e. the identity of the advertisement) (col. 3 lines 24-65 *and col. 4 lines 54-57*), and a time period *according to* which according to which the advertisement is to be run (col. 5 lines 4-15); (B) reviewing the advertisement designated by the received request to determine if the advertisement is approved or not approved (col. 3 lines 35-42 and col. 5 lines 53-61), and when the advertisement is deemed not approved, the advertisement rejected (i.e. a new *advertisement* is created) (col. 5 lines 53-61), and when the advertisement is deemed approved, the

advertisement is accepted (col. 5 lines 53-61), and displaying the advertisement on an electronic display coupled with the computer network (col. 3 lines 57-65), according to the time period when the advertisement campaign is accepted (i.e. show the advertisement during a certain time period) (col. 5 lines 4-15), and accounting for the displaying based on the maximum amount to spend, wherein the displaying is terminated when the maximum amount to spend is met (i.e. after the number of paid click-throughs are used up) (col. 5 lines 4-32).

Mason does not teach removing or accepting the campaign when any of a plurality of advertisements in a campaign is deemed approved or not approved. It would have been obvious to modify Mason's advertisement campaign to reject the entire campaign even if one of the advertisements in that campaign was not approved, since it is well known that an advertisement campaign may consist of various advertisements with the same content but of different sized images for display on particular website spaces, and in that case, even if one of the advertisements is not approved, none should be approved because the content of the advertisements is identical and only the size of the advertisement is different. Similarly, it would follow to just approve one of the advertisements for content and thereby approve the entire campaign given that the content is the same and just the size is different and therefore there would be no need to review the content multiple times. See the figure below for more clarification.



Two ads with the same content, but ads are of a different size

6. In reference to claims 50 and 93, Mason teaches the method wherein said displaying comprises posting said advertisement to a predetermined URL or a URL specified by said request during said time period (col. 5 lines 4-32).

7. In reference to claims 54 and 77, Mason teaches the method wherein the receiving further comprises: providing over a computer network a plurality of time periods that are available for the advertisement; and accepting over a computer network a selection of a time period in the plurality of time periods to run the advertisement (col. 5 lines 4-32 and Figure 1).

8. In reference to claims 55, 78, and 79, Mason teaches the method wherein the advertisement campaign comprises a plurality of advertisements, the method further comprising: providing over *a* computer network an image of at least one

advertisement from the plurality of advertisements in the advertisement campaign (col. 3 lines 24-56, col. 4 lines 7 to col. 5 lines 3, col. 5 lines 47-53), receiving over a the computer network instructions to edit the plurality of advertisements (col. 5 lines 42 to col. 6 lines 65), and wherein the image of each advertisement in the plurality of advertisements in the advertisement campaign is displayed on a remote computer (col. 4 lines 5-19).

9. In reference to claims 56 and 80, Mason teaches the method wherein the instructions to edit the plurality of advertisements comprise modifying: which advertisements are part of the plurality of advertisements (col. 6 lines 27-65), a web page that an advertisement in the plurality of advertisements is posted to when the advertisement is run (col. 5 lines 4-32); or a time period in which an advertisement in the plurality of advertisements is run on a web site (col. 5 lines 6-12).

10. In reference to claims 57 and 81, Mason teaches the method further comprising: displaying on the electronic display over the computer network a summary of a plurality of advertising campaigns, each respective advertisement campaign in the plurality of advertising campaigns defining: a maximum amount to spend on the respective advertisement campaign (i.e. user can be billed for a number of click-throughs from other sites, length of time the advertisement is displayed, or the number of hits received by the advertisement) (col. 5 lines 4-32 and lines 33-46 and col. 6 lines 7-16), a designation of one or more advertisements to be used in the respective advertisement campaign (col. 5 lines 33-61), and a time period in which an advertisement in the respective

advertisement campaign is to be run (col. 5 lines 4-12 and lines 33-46 and col. 6 lines 7-16).

11. In reference to claims 58 and 82, Mason teaches the method wherein a first advertising campaign in the plurality of advertising campaigns has a status and the step of displaying on the electronic display a summary of the plurality of advertising campaigns comprises displaying the status of the first advertising campaign (col. 6 lines 27-65), and wherein the method further comprises receiving over the computer network instructions to change the status of the first advertising campaign from a first state to a second state (i.e. replacing one unsuccessful advertisement with a more successful one based on the click-through rate) (col. 6 lines 27-65).

12. In reference to claims 59 and 83, Mason teaches the method wherein the first state and the second state are each independently an active state, a suspended state, or a cancelled state, wherein when said state of said first advertising campaign is the active state, the one or more advertisements specified by the first advertisement campaign are run on a predetermined web site or on a web site specified by the advertising campaign (col. 6 lines 27-65) when said state of said first advertising campaign is the suspended state, the one or more advertisements specified by the first advertisement campaign are not run on a predetermined web site or on a web site specified by the advertising campaign (i.e. an advertisement that's not working well is not shown and are substituted) (col. 3 lines 54-67 and col. 6 lines 27-65), and when said state of said first advertising campaign is the cancelled state, the first advertisement

campaign is removed from the plurality of advertising campaigns (i.e. an unapproved advertisement is removed) (col. 5 lines 47-61).

13. In reference to claims 61 and 85, Mason teaches the method wherein the advertisement is displayed on a predetermined web site or on a web site specified by the request as a function of the relevancy of the advertisement (i.e. how relevant the advertisement is to the content of the web site itself) (col. 2 lines 30-38).

14. In reference to claims 64 and 88, Mason teaches the method wherein the relevancy of the advertisement is measured at least in part by a contextual relevancy of the advertisement to other content on a predetermined web site or a web site specified by the request (col. 2 lines 30-38).

15. In reference to claims 66 and 90, Mason teaches the method wherein said advertisement is at least one of (i) text only, (ii) text and a URL link, (iii) an icon and a URL link (col. 3 lines 43-65), (iv) a banner ad (col. 3 lines 43-55), (v) a graphic (i.e. an image) (col. 5 lines 57-61), (vi) a video, or combinations thereof.

16. In reference to claim 68, Mason teaches the computer further comprising: a self-serve billing module coupled to the self-serve user interface for billing the originator of the request when the advertisement is displayed on the predetermined web site or on the web site specified by said request order (col. 5 lines 4-46 and Figure 1), wherein the accounting of the displaying is based on the billing of the originator (i.e. you are billed/invoiced for 15,000 click throughs) (col. 5 lines 4-46 and Figure 1).

17. In reference to claim 69, Mason teaches the computer further comprising: a back-end system coupled to the self-serve billing module, the back-end system comprising: a contract management system for managing information about the request (i.e. a statistical analysis package) (col. 6 lines 27 to col. 7 lines 13), and an advertisement server coupled to the contract management system for serving advertisements to the predetermined web site on the web site specified by the request (i.e. a GNI server) (col. 5 lines 47 to col. 6 lines 6).

18. In reference to claim 70, Mason teaches aggregating data about advertisement serves and providing updates of such data to the contract management system (i.e. a statistical analysis package) (col. 6 lines 27-col. 7 lines 13).

19. In reference to claim 71, Mason teaches the computer wherein said instructions for displaying comprise displaying said advertisement on a predetermined web site or on a web site specified by said request during said time period (col. 3 lines 24-65).

20. In reference to claim 72, Mason teaches the computer wherein said predetermined web site or said web site specified by said request on which said advertisement is displayed is served to a remote computer that displays said web site in an Internet browser running on said remote computer (col. 4 lines 5-19).

21. In reference to claim 91, Mason teaches the computer wherein said instructions for displaying said advertisement, when the advertisement campaign is accepted, during said time period comprise: instructions for incorporating said advertisement into a web page (col. 6 lines 7-26); and instructions for serving

said web page at a predetermined URL or at a URL specified by said request (col. 5 lines 33 to col. 6 lines 65).

22. Claims 52, 53, and 74-76 are rejected under U.S.C. 103(a) as being unpatentable over Mason in view Sparks (Patent Number 6,167,382 hereinafter Sparks).

In reference to claims 52 and 74, Mason does not teach providing advertising templates, obtaining a selection of templates, obtaining information to be inserted into the template, and creating the advertisement designated by the request based on the template advertisement and the information to be inserted into the template advertisement. Sparks teaches providing advertising templates, obtaining a selection of templates, obtaining information to be inserted into the template, and creating the advertisement designated by the request based on the template advertisement and the information to be inserted into the template advertisement (abstract, col. 2 lines 59-col. 3 lines 19). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Mason to include providing templates to the users for creating advertisements to save time for users by pre-developing advertisement frameworks for them to use in their advertising campaigns.

23. In reference to claim 53, Mason teaches the method further comprising: providing over the computer network in an electric display including a remote computer, a preview of the advertisement designated by the request (col. 3 lines 35-42).

24. In reference to claims 75, and 76, Mason teaches the method further comprising: providing over the computer network in an electric display including a remote computer, a preview of the advertisement designated by the request (col. 3 lines 35-42).

25. Claims 51, 60, 62-63, 65, 73, 84, 86-87, 89, and 94 are rejected under U.S.C. 103(a) as being unpatentable over Mason in view of Official Notice.

In reference to claims 51, 73, and 94, Mason does not teach displaying said advertisements on a predetermined wireless device or on a wireless device specified by said request during said time period. Official Notice is taken that it is old and well known to display advertisements on wireless devices to take advantage of the new ubiquity of these mobile devices. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Mason's invention to also display advertisements on a predetermined wireless device or on a wireless device specified by said request during time period for providing mobile access to the advertisements when people are on the go.

26. In reference to claims 60 and 84, Mason does not teach the method wherein the accounting for the displaying comprises *the* cost of said advertisement campaign and is based on a time that the request is received. Official Notice is taken that it is old and well known to set advertisement placement contract conditions at the time of the request for service, because of the value associated with certain advertisement slots based on how many viewers are likely to view that particular advertisement and how many competing

advertisers are trying to gain that particular advertising slot. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for.Mason's invention to alter the cost of the advertising campaign based on the time the request was received in order for the provider to achieve the maximum payout for a specific advertising slot.

27. In reference to claims 62, 63, 86, and 87, Mason does not teach the method wherein the relevancy of the advertisement is measured at least in part by a financial metric and wherein the financial metric is the effective cost per Mil (eCPM) for the advertisement. Official Notice is taken that is old and well known in the area of Internet advertising to use measurements including the cost per a thousand impressions and cost per click to rank potential advertisements in a way to maximize earnings of the website owner. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Mason's invention to include the use of the cost per thousand impressions in order to prioritize advertisement display based on the payout that can be achieved from the display.

28. In reference to claims 65 and 89, Mason teaches displaying on the electronic display said advertisement on a predetermined website that has a higher click through rate than another advertisement (col. 6 lines 27-65). Mason does not however specifically state the use of the cost per Mil (eCPM) measurement for determining which advertisement should be displayed. Official Notice is taken that is old and well known in the area of Internet advertising to use measurements including the cost per a thousand impressions and cost per

click to rank potential advertisements in a way to maximize earnings of the website owner. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Mason's invention to include the use of the cost per thousand impressions in order to prioritize advertisement display based on the payout that can be achieved from the display.

Response to Arguments

29. After careful review of Applicant's remarks/arguments filed on 07/06/2006, the Applicant's arguments with respect to claims 49, 51-53, 55, 57, 58, 60, 65-67, 84, 90, and 92 have been have been fully considered but are moot in view of the new ground(s) of rejection. Amendments to the claims have been entered and considered.

30. The previously made objections have been removed.

31. The previously made rejections under 35 USC § 112 have been removed in view of the Applicant amendments, however a new 112 rejection has been made due to the amendments.

32. In reference to claims, 49, 67, and 92, the newly added claim limitation of "the advertisement campaign including a plurality of advertisements" leads to a lack of support in the specification for the prior claim limitation of "when the advertisement is deemed not approved, the advertisement campaign is rejected," since this previous limitation depends on the newly added limitation. There is no support whatsoever in the specification regarding the rejection of the advertisement campaign even if just one of the advertisements in the campaign is rejected. Furthermore, the Applicant has failed to identify support for this in the

specification in the submitted amendment.

33. Applicant argues that Mason fails to disclose that the request includes a maximum amount to spend on the advertising campaign. The Examiner respectfully disagrees and would like to point the Applicant to col. 5, lines 4-32 and col. 6 lines 7-16. It is indicated in the prior art that a company can purchase an X amount of hits for certain time of the day, etc. These X amount of hits cost money and the maximum amount to spend on the advertising campaign is the amount it costs to purchase these X amount of hits as clearly taught by Mason.

34. Applicant argues that in Mason, just the advertisement is rejected and not the campaign itself is rejected. First of all, Applicant does not have support for this limitation in his specification. Second of all, Mason teaches the features of when the advertisement is deemed not approved, the advertisement rejected (i.e. a new *advertisement* is created) (col. 5 lines 53-61), and when the advertisement is deemed approved, the advertisement is accepted (col. 5 lines 53-61).

Mason does not teach removing or accepting the campaign when any of a plurality of advertisements in a campaign is deemed approved or not approved. It would have been obvious to modify Mason's advertisement campaign to reject the entire campaign even if one of the advertisements in that campaign was not approved, since it is well known that an advertisement campaign may consist of various advertisements with the same content but of different sized images for display on particular website spaces, and in that case, even if one of the advertisements is not approved, none should be approved because the content of the advertisements is identical and only the size of the advertisement is

different. Similarly, it would follow to just approve one of the advertisements for content and thereby approve the entire campaign given that the content is the same and just the size is different and therefore there would be no need to review the content multiple times. See the figure in the body of the Office Action for more clarification.

35. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **FAX number** for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

NB

October 2nd, 2006

RAQUEL ALVA
PRIMARY EXAM